

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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UMAR GUIRA, an Infant by his Parent and	:	
Natural Guardian, ASSETA NANEMA and	:	
ASSETA NANEMA, individually,	:	
	:	
Plaintiffs,	:	21 Civ. 2615 (VEC)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	
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DECLARATION OF AUSA DOMINIKA TARCZYNSKA

I, DOMINIKA TARCZYNSKA, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York, attorney for Defendant the United States of America. I am the attorney assigned to the defense of this matter and am familiar with the proceedings herein. I make this declaration on the basis of personal knowledge to place certain information and records before the Court in support of the United States' Motion *In Limine* to Preclude Certain Expert Testimony of Dr. Richard L. Luciani and Dr. Daniel Adler.

2. Attached hereto as **Exhibit A** is a true and correct copy of the expert report of Dr. Richard L. Luciani, dated October 15, 2021. Consistent with Rule 5.2(a) of the Federal Rules of Civil Procedure, the United States has applied redactions to protect the privacy of minor plaintiff U.G., including his birth date and full name.

3. Attached hereto as **Exhibit B** is a true and correct copy of a medical record for

Plaintiff Asseta Nanema from New York Presbyterian entitled “OB delivery Note” dated October 2, 2019. Consistent with Rule 5.2(a) of the Federal Rules of Civil Procedure, the United States has applied redactions to protect the privacy of Plaintiff Nanema, including her birth date.

4. Attached hereto as **Exhibit C** is a true and correct copy of the expert report of Dr. Daniel Adler, dated November 19, 2021. Consistent with Rule 5.2(a) of the Federal Rules of Civil Procedure, the United States has applied redactions to protect the privacy of minor plaintiff U.G., including his birth date and full name.

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the transcript of the deposition of Dr. Luciani taken on March 7, 2022.

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts of the transcript of the deposition of Dr. Adler taken on March 16, 2022.

7. Attached hereto as **Exhibit F** is a true and correct copy of *Neonatal Brachial Plexus Palsy*, American College of Obstetricians and Gynecologists Task Force on Neonatal Brachial Plexus Palsy (2014).

8. Attached hereto as **Exhibit G** is a true and correct copy of Royal College of OB/GYN Guideline #42, “Shoulder dystocia” (Dec. 2005).

9. Attached hereto as **Exhibit H** is a true and correct copy of Grace J. Johnson, M.D. et al., “Pathophysiologic Origins of Brachial Plexus Injury,” *Obstetrics & Gynecology*, 136:4 at 728 (Oct. 2020).

I declare under penalty of perjury that the foregoing is true and correct.

New York, New York
April 29, 2022

/s/ Dominika Tarczynska
DOMINIKA TARCZYNSKA

